

EFFECT OF BREWER'S DEATH

SUPREME COURT REHEARINGS MAY BE NECESSARY.

Continuities in which the tobacco and Standard Oil cases might have to be reheard—Men Talked of the Vacancy—Bowers May Be Named.

WASHINGTON, March 29.—There is a possibility that the death of Justice Brewer will necessitate a rehearing of the Standard Oil and the Tobacco trust cases by the Supreme Court, but in the opinion of Attorney-General Wickham such a contingency is remote. The effect of Justice Brewer's death on these two most important cases was considered at a Cabinet meeting to-day. It was just before the Attorney-General entered the Cabinet meeting that he commented on the possibility of a rehearing.

"I see but one possibility of Justice Brewer's death causing a rehearing of these cases," said Mr. Wickham. "The matter would lie entirely within the discretion of the court. If the court stood 4 to 4 on a proposition it is probable that a rehearing would be ordered rather than allow the death of a member to determine the decision. The court might consider that justice to the country and to the litigants would be served better by waiting the appointment of a successor and holding a rehearing for his benefit. That seems to be about the only possibility of the cases being reopened."

There is one other contingency, in the opinion of men who have followed the Supreme Court proceedings closely for years, which may result in a rehearing of these big cases. As at present constituted there is a bench of only seven members to pass on these cases. Justice Moody having been ill during the hearings on both cases and also being disqualified to consider them because of the interest he took in the prosecutions while he was Attorney-General.

A majority of the court when all the seats are occupied is five. It is conceivable under present conditions, therefore, that the vote on the Standard Oil and the Tobacco cases may stand four to three, either for or against the Government. Such a division of the court would be less than a normal majority and many lawyers here believe that under such circumstances the court would ask for a rehearing merely for the purpose of adding to the solidarity of the decision on these important cases. If, however, the court with its present membership of seven is divided by a vote of 4 to 3 or 3 to 4, in either of the cases, nobody looks for a suggestion of a rehearing on the part of Justice Brewer's successor.

Whether the Supreme Court had acted on either of these cases before Justice Brewer's death is purely a matter of conjecture. Since the closing of the Standard Oil hearings the court has held only one consultation, and the chances seem to be against any final vote having been taken on that case. It has been understood right along that the questions at issue in the tobacco trust case were similar to those involved in the Standard Oil case and that the court was with-standstill in the former case until it had decided the arguments in the Standard Oil case before it. Recently, however, there have been rumors that the tobacco decision might be handed down early in April. It seems probable that the court had reached a decision in that case before the death of Justice Brewer.

If a decision had been reached, Justice Brewer's death, it was said, would not alter it, even if the opinion of the court had not been prepared. It is pointed out in this connection that the court's present decision on the Kansas and Arkansas corporation tax cases had counted Justice Moody in, although he did not participate in the actual handing down of the decision. He had, however, heard the arguments and had made known his vote.

There are precedents for requesting a rehearing of cases to the Supreme Court. Such action was taken in the so-called California and Oregon cases, when Justice Day assumed a seat on the bench. The probable effect of Justice Brewer's death on the ruling was discussed widely about the Capitol today, and the belief seemed to be general that the death of Justice Brewer had strengthened the Government's position in the Standard Oil case. This opinion was based solely on Justice Brewer's well known reputation for conservatism.

In the event of a rehearing President Taft would be obliged to assume a tremendous responsibility in naming Justice Brewer's successor. A request for a rehearing undoubtedly would mean that the court was pretty well divided and the naming of Justice Brewer's successor might be the means of turning the scales in favor of the Government. With Justice Brewer's successor on the bench an evenly divided court of 4 to 4 would mean a victory for the Government and probably sweeping changes in the business world.

In selecting Justice Brewer's successor Mr. Taft will have to face an unusual situation in other respects. Justice Brewer was selected from the Eighth Judicial Circuit about twenty years ago. His death leaves that district without representation in the Supreme Court, and if President Taft follows the precedent of his predecessors in naming a successor, he will name one from that district. Judge Walter H. Sanborn of St. Paul, Minn., and Judge William Van Dewater of Cheyenne, Wyo., members of the circuit court of that district are being mentioned. President Taft will be recalled, however, the War portfolio to Judge Van Dewater, but the Judge's ambition has been to be appointed to the Supreme Bench. The Wyoming delegation in Congress will urge Judge Vandewater's name to the President for the Brewer vacancy.

The Minnesota delegation in Congress urged President Taft to appoint Judge Sanborn to the Supreme Court bench when Justice Peckham died. President Taft, however, named Judge H. L. Burton of Tennessee. And now the Minnesota folks will renew their efforts in Judge Sanborn's behalf.

Both Judge Vandewater and Judge Sanborn, however, passed on the Standard Oil case which is now before the Supreme Court on appeal, and that circumstance would prevent them from participating in any consideration of that case on the Supreme bench. Judge William C. Hook of Lawrenceville, Kan., and Elmer H. Adams of St. Louis, Mo., remaining members of the Eighth Judicial Circuit court bench, also would be disqualified from considering the Standard Oil case on the Supreme bench.

The most serious possibility for Justice Brewer's place, however, seems to be, not a man from the Eighth Judicial Circuit, but from the Second Circuit. Mr. Bowers, Secretary of State, named favorably when President Taft was considering the appointment of a successor to Justice Peckham. Mr. Bowers and President Taft have been personal friends since they were in college together at Yale. Mr. Bowers was general counsel for the Chicago and Northwestern Railroad when President Taft asked him to become Solicitor-General. It is said he gave up a big salary and accepted the post in the hope that some day a high judicial place might be open for him. Mr. Bowers, however, would be in practically the same fix as the Judges of the Eighth Judicial circuit. He would not be able to consider the Standard Oil or the Tobacco cases because of his interest in them as a member of the present Department of Justice. Notwithstanding this, it is believed Mr. Bowers stands as good a chance as anybody for the appointment.

When President Taft was considering the appointment of Justice Peckham's successor a story was told of an incident between Mr. Taft and Bowers in a fraternity house at Yale. Mr. Bowers, as it was said, was being initiated into the fraternity and Mr. Taft, then a senior at Yale, was conducting the ceremony. According to the story, Mr. Taft selected Bowers when his aim in life was Bowers.

IT'S MANILA WEEK IN UNITED CIGAR STORES

For the first time since we began importing Manila Cigars we have on hand a sufficient quantity to invite everybody to try them.

Every store can show a good line. The six best factories in Manila represented in these displays—the cigars made standard by the U. S. Army and Navy, viz: Isabella, La Emperatriz, Germinal, La Yehana, La Concordia, Imperial del Mundo.

FIVE MILLION MANILA CIGARS—Same retail prices here as in MANILA

Importations by fast steamers of the North German Lloyd and Pacific Mail Lines (via Suez Canal). Some boxes of 25 as low as \$1.25, some boxes of 50 as low as \$1.50, and on up to \$9.00 per box of 100. In smaller quantities—10-for-25 cents, 5-for-25 cents, 3-for-25 cents, etc., etc.

UNITED CIGAR STORES



AFTER WICKERSHAM AGAIN.

Congressman Martin Wants to Know if He Shared His Firm's Fees.

WASHINGTON, March 29.—Representative Martin of Colorado made another attack upon Attorney-General Wickham in the House to-day, reiterating his statements about the sale of many acres of the Philippine sugar lands to the sugar trust under a ruling by the Department of Justice.

The Attorney-General admits that his law partner was engaged by the sugar trust several years ago, said Mr. Martin, referring to the letter of Mr. Wickham read in the House yesterday in which he denied that he had ever been retained by the sugar trust. "I want the Attorney-General to tell this House the amount of the fee received by his law firm and whether or not he participated in that fee."

I understand that this fee was one of the largest in the history of American litigation. I am informed that the amount involved in the suit against the sugar trust by the Pennsylvania Sugar Company was \$1,000,000 and that the suit eventually was settled for \$2,100,000.

"If the Attorney-General will make a full and complete admission as to the connection of his law firm with this case and the amount of fee received he can depend upon it that this House and the country will render a just verdict."

Mr. Martin criticized Mr. Wickham for failing to defend his decision in the sugar lands case. In that decision the Attorney-General held to the valid sale of 4,000 acres of Philippine sugar lands to a representative of the Hackmeys.

"The War Department informed the committee on Insular Affairs," continued Mr. Martin, "that it knew nothing of this sale until it was reported in the public prints. Why did the facts that the Attorney-General was requested for an opinion on December 6, but that the opinion was not rendered until December 14, 1908, mean that the sale was consummated two days after the opinion was issued for and twelve days before it was rendered?"

Mr. Martin asked if it was not a matter of fact that the Attorney-General had received such an opinion in advance of it knew nothing of the sale until it was reported in the papers?

RETIRED OFFICERS PAY.

Amendment Reported Giving Disabled Old Soldiers a Day Pension.

WASHINGTON, March 29.—The House Committee on Military Affairs had a lively session to-day over the reconsideration of the amendment for Representative Sherwood (Dem., N. Y.) to the pension bill, giving disabled retired army officers a pension of \$1 a day. The bill was reported a few days ago after a sharp fight in committee, and to-day the committee endeavored to recall the bill, but failed.

Many amendments to the Sherwood proposition were offered, but voted down. An attempt was made to refer it to the Secretary of the Interior to ascertain the probable cost of such a pension bill, but this also failed. Finally by a majority of three votes the committee again voted to report the bill with the Sherwood amendment to the House.

The bill provides a retirement on one-third or one-fourth pay for army officers, depending on length of service, and a pension of \$1 a day for disabled retired army officers. The Sherwood amendment would give the old soldier privates who became incapacitated as a result of service the uniform pension of \$1 a day. The House is expected that its passage by the House is practically certain.

ARMY AND NAVY GO TO SEA.

WASHINGTON, March 29.—Three army orders have been issued.

First, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Second, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Third, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Fourth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Fifth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Sixth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Seventh, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Eighth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Ninth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Tenth, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

Eleventh, Surgeon General Rice, Third Cavalry, from Army and Navy General Hospital, Fort Springs, Ark., to St. Louis.

LETTERS OF A CROWN PRINCE

PAPA (KAISER WILHELM) TALKED POLITICS TO HIM.

This News Surprised Dear Muehl Von Hochberg and Made Him Very Glad—Friedrich Wilhelm Didn't Think Much of Barnes's Advertising Ways.

Correspondence between Crown Prince Frederick William of Germany and his friend Muehl, who is Count Hans Ferdinand von Hochberg, chief witness against Noah E. Barnes, former president of the Cottonwood Creek Copper Company, was produced before Justice Coffey in the Criminal Branch of the Supreme Court yesterday in behalf of Barnes, who is on trial for larceny of the assets. Count von Hochberg, who was being cross-examined, protested that the letters had nothing to do with the case, but they were read just the same. Von Hochberg had given the letters to Barnes when he was calling himself Hans Ferdinand Barnes and expecting to make a fortune through his association with the promoter, whom he had adopted as a father or an uncle or something.

One of the letters from the Crown Prince was written at Potsdam January 11, 1907, and said in part (as translated by the Barnes side):

Dear Muehl: Many thanks for your letter, in which I learn something in detail about your recent life. Everything seems all right what you write, and you can believe me that your parents have not influenced me. Nevertheless you cannot switch around your written declaration upon honor. If I had written that in case of marriage with p. p. I will change my noble name, I then had done so anyhow.

Von Hochberg testified that this letter was written in reply to his announcement that his father had offered him \$75 a month if he would renounce his title because he had married a shopgirl against his father's wishes. This letter from the Crown Prince referred to the same subject.

Dear Muehl: Believe I am personally quite indifferent if you have this name or another name. You are yet my dear friend to whom I will always stick. But with your new name and your new friends you cannot at once get new ideas of honor. Reservations of mind not impossible for gentlemen? And then this offer of Mr. Barnes. That is genuine American and theatrical. I find it peculiar. Please write me again about that with more details. We all look upon it as silly and bombastic. It can all be one what the good Mr. Barnes thinks about the matter. Can you not see that he simply uses you as an advertisement for his business? Please write something about your home.

Here it is all the same. I am confined to my room with a repetition of my usual cold, and Cecil too (the Kronprinzessin). The baby is developing fairly well. The other day I had a two hours talk with Von Bülow. Papa too is always very kind to me and we have approached each other quite a good deal. Some days ago he has talked to me about politics. I was very thankful for it. You know it is the same as a sailor who is not allowed to conduct the ship, but knowing that at any moment the steersman may have to be replaced. Remain to be a German, old chap, and don't become such an old Yankee business man.

A letter from Von Hochberg to the Crown Prince was also read in which he told how Barnes had presented him with a "beautiful home" in Barnes City, Col., for his wife and baby and himself. He said he had stated on two claims abandoned by Barnes and that he had discovered "one of the richest copper veins in Colorado." When he learned of its richness, he said, he offered to deed it back to Barnes, but the latter replied, "like a good and noble fellow." "No, Ferdinand, the claims are yours. I want you to be my partner."

"So your na talks to you about politics," wrote Von Hochberg. "I am surprised and very glad. In some troubles the captain likes to have the advice of the oldest sailor. I think you had a few stormy days with the election of the new Reichstag. Did you not feel not to be too optimistic about the Socialists? I hope they will utilize what they have been taught."

Von Hochberg testified that he saw Barnes draw the \$100,000 from the New Amsterdam Bank which he is accused of taking without authority and which was part of \$150,000 collected by von Hochberg for winning stock sold to his German friends. He said Barnes carried it down town in a satchel, and meeting a man on the way who said he was going to form a \$2,000,000 mining company Barnes said: "It is useless to start on such big capital. I started a mining company on \$3,000."

Von Hochberg said that Barnes took the money to a brokerage office and gave orders to buy Northern Pacific and Steel stock, and that several days later he saw a stub showing that the \$100,000 had been drawn by Barnes as the "vendor's portion." He said Barnes asked him and the latter replied that the check should have been cashed and the money should have been given to him.

IF ALDRIDGE SHOULD RUN.

Warm Campaign Promised in the Coming Election in Rochester District.

WASHINGTON, March 29.—If George W. Aldridge of Rochester, the Republican leader of the Thirty-second New York district, carries out his threat to become a candidate for Congress in succession to the late James Breck Perkins the district will witness a lively fight. Plans are being made by the leaders of both Congressional campaign committees to send the big party "guns" into the fight.

Representative McKinley of Illinois, chairman of the Republican campaign committee, and the other officers of that organization have not yet recovered from the shock of the election of Eugene X. Fox in the Fourteenth Massachusetts district. They will take nothing for granted in the Thirty-second New York district.

Representative Aldridge of Illinois, chairman of the Democratic Congressional committee, has announced that some of the leading Democratic spellbinders will be sent to New York in support of the candidate who is to oppose Mr. Aldridge.

Delegates to Railway Congress.

WASHINGTON, March 29.—Secretary of State Knox has designated the following as American delegates to the eighth international railway congress to be held at Bern, Switzerland, next July: Franklin K. Lane, of California, chairman of the Interstate Commerce Commission; Edgar E. Clark of Iowa, member of the Interstate Commerce Commission; Fairfax Harrison, vice-president of the Southern Railway; W. C. Clegg, formerly general manager of the Seaboard Air Line; J. A. Brown, vice-president of the Railway Equipment Company; Col. H. R. Haines, formerly president of the American Railway Association; W. F. Schleiter, Pittsburgh; Cordell A. Sovernance, St. Paul, Minn.; and William C. Kuntz of Steelton, Pa.

Ask Taft to Make A. L. Smith Judge.

WASHINGTON, March 29.—A delegation from Toledo called upon President Taft to-day to urge the appointment of Alexander L. Smith of Toledo as the new judge for the Western district of the northern district of Ohio. United States Senator W. C. Clegg, who also conferred with the President on the same subject.

To the average Wholesale Merchant or Manufacturer of New York City, we can give the equivalent of a \$200,000 increase in business. To the large concern we can give the equivalent of a \$1,000,000 increase—

and here are the REASONS WHY

We do it by SAVING. When you SAVE a dollar it is all NET. When you do a dollar's increase in business, only a small proportion is profit—even gross profit. Out of that, of course, come running expenses and overhead interest on vested capital, deterioration, sinking fund, etc. But every cent you save is ALL SAVED.

We Can Save You Thousands on Cartage

You have to truck incoming goods from the railroad terminal to your loft. It costs you money to load the truck, to move the truck and to unload it, to load the goods on the elevator and to await its arrival at the floor of the loft. When you ship the goods out to fill your orders, you have the same expense and you have to pay for the congestion of the city streets, the congestion at docks every time a snowstorm comes, or the streets are slippery, you have to pay for it in trucking cost, and pay heavily.

Let Some One Else Pay

The railroads are willing to deliver your goods to you, and to call for your shipments without charge. Want to know how to bring this about? Write us. We will tell you how to cut off your trucking cost at one stroke.

We Can Save You Thousands on Insurance

Do you pay \$1.75 for insurance? We can probably bring it down to ten cents for you. Do you pay \$4.25 for insurance? We can probably bring it down to twenty cents for you. No doubt this sounds too good to be true, but we are doing it for no end of big, well-known merchants and manufacturers. Would you like to know who they are? Drop us a postal, and we will send you their names—we will send you letters from them, in which they tell of the thousands of dollars we save them yearly and HOW.

How Big Is Your Insurance Bill?

Look over your books NOW. Just see if you are not paying \$12,000 or more for insurance that we can save you. We are saving sums like this for your competitors—why not you?

Write us NOW—it may save you \$20,000

Bush Terminal Co., 100 Broad St., New York City

SHIP SUBSIDY SCANDAL.

The Stearnson Resolution Providing for an Inquiry Passed by the House.

WASHINGTON, March 29.—An investigation of the ship subsidy scandal is assured as a result of the passage by the House to-day of the Stearnson resolution by an almost unanimous vote, only one member, Representative Keifer of Ohio, addressing the House in opposition to it.

The resolution provides for the appointment by the Speaker of the committee of five members of the House "to investigate the charges reflecting upon the honesty and integrity of any member of the House in his official capacity, or the membership generally, to determine the truth or falsity of said charges, and to send committee shall have authority to send for persons and papers and to take testimony in Washington or elsewhere, either before the full committee or any sub-committee thereof."

The preamble of the resolution repeats the charges made against Representative Stearnson of Minnesota, to the effect that he had been influenced by a foreign steamship lobby alleged to be fighting subsidy legislation; that charges appeared in the public prints that reflected upon the honor of Congress as a whole giving the impression that corrupt practices had been resorted to "with reference to proposed legislation relating to the American merchant marine."

No effort was made to amend the resolution so as to provide for the election of the special committee by the House instead of being appointed by the Speaker. Representative Stearnson urged his insurgent brethren not to use his measure as a vehicle to ride over the House organization.

Movements of Naval Vessels.

WASHINGTON, March 29.—The tug Patapasco has arrived at Norfolk, the battleship South Carolina at St. Thomas, the cruiser Birmingham at St. Vincent, Cape Verde, the cruiser Chester at Norfolk Point, the hospital ship Solace at Norfolk, the battleships Connecticut, Kansas, Louisiana, Vermont, Minnesota, Idaho, Mississippi, New Hampshire, Georgia, Nebraska, New Jersey, Rhode Island, Virginia, Michigan and Missouri at Hampton Roads, the repair ship Panther at Hampton Roads, the supply ship Culgo at Hampton Roads and the cruiser Salem at Hampton Roads.

The cruiser Tacoma has sailed from Guantanamo for Hampton Roads, the cruiser North Carolina from Barbados for St. John, the cruiser John D. Ford from San Diego for Mare Island, the gunboat Paducah from Bluefields for Greyhound, the gunboat Dubouche from Puerto Plata for Santo Domingo, the gunboat Albatross from Santiago for Puerto Plata.

Chief Manager E. K. Stewart has given notice that he will refuse the demands of the men.

STABLET LET OUT ON RAIL.

Mother of the Boy He Shot Makes a Disturbance in Court.

Mrs. Anna McGrath, whose son John was killed by Vincent J. Stablet, the City College student, was in court yesterday when Stablet was brought before Supreme Court Justice Newburger on a writ of habeas corpus in an effort to obtain his release on the ground that the jury before General Sessions Judge Crain would have acquitted him if the Court had not discharged it prematurely.

Justice Newburger announced that he would release Stablet in \$5,000 bail pending his decision. Then Mrs. McGrath cried: "That man killed my son, and I'll kill him. What satisfaction have I got? He shot my boy when he was doing nothing."

Mrs. McGrath made for Stablet and had got nearly to his side when she was hurried out by the court.

William T. Jerome appeared to argue the case for Stablet, but said he had learned that he was disqualified because the indictment was returned while he was District Attorney.

ALLEGED MONTAIGNE LOCKED UP.

Prisoner Accused of Theft Says He Is Descended From the French General.

Paul de Montaigne, an alleged descendant of the French General who lost Quebec to Gen. Wolfe, was arraigned before Magistrate Nauman in the Adams street court in Brooklyn yesterday on a charge of stealing a shawl and an opera glass from Elizabeth Christenson of 107 South Portland avenue. He was held for examination in bail of \$1,000.

De Montaigne is a stenographer. He has lived at 229 Eleventh street since his arrival from Quebec several months ago. He says he is one of the few surviving descendants of the famous Frenchman of his name and that the Canadian Government was his host during Quebec's tricentennial. He is 28 years old.

Montaigne denied the jury, which was discovered following a social call paid by him.

Tait Life Member of Immigration Society.

WASHINGTON, March 29.—Frank L. Frugone of New York, vice-president of the Liberty Immigration Society, presented to President Taft today a gold watch in honor of his society.

BROKAW BROTHERS

ASTOR PLACE AND FOURTH AVENUE

Our Spring Suit stock is a veritable index to men's figures.

Sizes for tall men, short men, slender men, stout men and men of average build. And the styles and colors cut quite a figure, too—over four hundred different patterns in many pleasing models. A size, a color and a model for the most particular man.

ESTAB OVER HALF A CENTURY

Don't Break Up the Home!

It is criminal to take children from their mother for reasons of poverty only.

We are helping widows to bring up their children in their own homes. \$5 will feed a mother and three children a week.

We will provide the rest—do you feed them?

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